

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

Patent Compliance Group Inc., Relator,  v.  Hunter Fan Co., Defendant.	CASE NO. 3 – 10CV0359 – P  <b>JURY TRIAL DEMANDED</b>
--	---

**AFFIDAVIT OF DANIEL E. ROWTON**

STATE OF TENNESSEE

COUNTY OF SHELBY

I, Daniel E. Rowton, being first duly sworn, state that I am over 18 years of age and of sound mind. Unless otherwise stated, all matters set forth in this affidavit are true and correct and based upon my personal knowledge, information, and belief.

1. I am the Vice President of Engineering at Hunter Fan Company ("Hunter") and oversee the engineering and product development of many of Hunter's products, including its thermostat products.

2. Hunter is a Delaware corporation headquartered in Memphis, Tennessee and is in the business of designing, developing, and selling ceiling fans, portable fans, lighting fixtures, air purifiers, thermostats, humidifiers, vaporizers and components. Hunter has been located in Memphis, Tennessee since 1946, and employs over 250 employees in and around the Memphis area.

3. I am personally familiar with the products that are the focus of the litigation between Hunter and Plaintiff. All of the products and product packaging alleged to have been falsely marked were developed and designed in Memphis, Tennessee.

4. Hunter's maintains its production, packaging, and distribution facilities in the Memphis, Tennessee area, and maintains its records there. As a result, virtually all of the documents relevant to the claims in Plaintiff's Complaint are located in Memphis, including evidence relating to Hunter's patents and its product packaging displaying the patent markings.

5. Although Hunter has several suppliers located in Asia, Hunter's operations are conducted from its facilities located in Memphis, Tennessee.

6. Hunter anticipates that it will call employees, former employees, and third parties who have knowledge of the disputed claims, almost all of whom are located in the Memphis, Tennessee area.

7. Hunter will be severely burdened both in terms of expense and lost productivity if Hunter's employees must testify in the Northern District of Texas instead of Tennessee.

8. These witnesses will be elicited to substantiate Hunter's operations, the design and manufacture of its thermostat products, its sales and financial data, Hunter's product packaging, and Hunter's marking practices and lack of an intention to deceive the public through any patent markings.

9. Hunter anticipates calling as witnesses on its behalf the following individuals, among others:

Chuck Smith – Chief Executive Officer and President of Hunter - Mr. Smith's testimony is expected to cover Hunter's operations and the sales and marketing of Hunter's products. Mr. Smith lives and works in the Memphis, Tennessee area.

Charles Turner – Chief Financial Officer of Hunter – Mr. Turner's testimony is expected to cover the operation of Hunter and sales and financial information for Hunter's thermostat products. Mr. Turner lives and works in the Memphis, Tennessee area.

Erich Schroeder – Product Manager for Thermostats – Mr. Schroeder's testimony is expected to cover Hunter's market research, consumer research, product develop, and product packaging for Hunter's thermostat products. Mr. Schroeder lives and works in the Memphis, Tennessee area.

Michael Ritter – Senior Vice President of Operations – Mr. Ritter's testimony is expected to cover Hunter's supply, sourcing, customer service, and quality control for thermostat products. Mr. Ritter lives and works in the Memphis, Tennessee area.

Jim Gallman – Senior Vice President of Home Environment and Brand Marketing – Mr. Gallman's testimony is expected to cover Hunter's product packaging and the patent numbers contained on each of Hunter's thermostat products and Hunter's patent marking practices. Mr. Gallman lives and works in the Memphis, Tennessee area.

Andy Lin – Engineering Manager for Thermostats and Portable Fans – Mr. Lin's testimony is expected to cover Hunter's engineering and design of Hunter's thermostat products. Mr. Lin lives and works in the Memphis, Tennessee area.

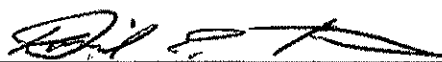
April Melton – Assistant Brand Manager – Ms. Melton's testimony is expected to cover Hunter's product packaging and product catalogs. Ms. Melton lives and works in the Memphis, Tennessee area.

Gary Feder – Former Vice President of Home Comfort, Marketing, and Product Development – Mr. Feder's testimony is expected to cover the method of development of Hunter's thermostat products. Although Mr. Feder no longer is employed by Hunter, Mr. Feder still lives and works in the Memphis, Tennessee area.

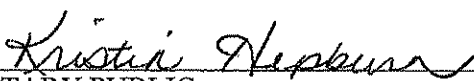
10. The testimony of these individuals, among others, is critical to Hunter's defenses against Plaintiff's claims.

11. I also may provide testimony in this case, have knowledge of Hunter's patent marking practices and Hunter's engineering of its thermostat products, and live and work in the Memphis, Tennessee area.

FURTHER AFFIANT SAYETH NOT.

  
Daniel E. Rowton

Sworn to and subscribed before me this 05 day of April, 2010.

  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
May 12, 2010

My Commission Expires: \_\_\_\_\_

